



RE: Kennebec Farm Stand  
28 Kennebec Avenue  
Oak Bluffs, MA, Map 9 Parcel 14

Town of Oak Bluffs, Massachusetts  
Office of the Planning Board  
P.O. Box 1327  
Oak Bluffs, MA 02557  
508-693-3554 x154  
PLANNING BOARD

**NOTICE OF DECISION      June 13, 2019**

**RE: Dave and Julia Keefe  
Kennebec Farm Stand  
28 Kennebec Avenue  
Map 9 Parcel 14, zoning district B1**

The Oak Bluffs Planning Board held a Public Hearing on Thursday, June 13, 2019 at 5:00 p.m. in the Upstairs Meeting Room at the Oak Bluffs Fire Station located at 6 Firehouse Lane, Oak Bluffs on the application of the referenced petitioners seeking:

**A SPECIAL PERMIT under Section 5.1.5 of the Oak Bluffs Zoning Bylaws to allow the waiver of parking requirements in lieu of an annual payment as prescribed to the Oak Bluffs B-1 District PARKING MITIGATION Fund.**

**DECISION:**      The Board voted unanimously to grant the SPECIAL PERMIT with the condition that the property owner make yearly payments (\$600) to the Town of Oak Bluffs in lieu of providing seven (7) parking spaces as provided by the Oak Bluffs B-1 District Parking Mitigation Fund.

**Procedural History:**

- 02/21/19      Site Plan Review application received by the Planning Board
- 05/24/19      Special Permit application for Parking Mitigation received by the Planning Board
- 05/28/19      Notice of Planning Board Public Hearing posted at Town Hall and mailed to abutters within 300 feet, the applicant and abutting planning boards
- 05/30/19      First Notice of Hearing published in *Martha's Vineyard Times*
- 06/06/19      Second Notice of Hearing published in *Martha's Vineyard Times*
- 06/13/19      Public Hearing

## FINDINGS OF FACT

### General Findings

Mr. Dave Keefe, property owner, and Chuck Sullivan, architect, presented a site plan (*See separate site plan approval with conditions filed with the Building Dept.*). Proposal is to convert an existing 3-bay garage to a 922 s.f. Farm Stand carrying local Vineyard produce and products.

This change of use triggered the need for a Special Permit under Oak Bluffs Zoning Bylaw 5.1.5 "*Where a proposed use in the B-1 District cannot meet the off street parking requirements set forth in Section 5.1.1 such off street parking requirements may be waived by special permit granted by the Planning Board where the applicant makes a payment in lieu to the Oak Bluffs B-1 District Parking Mitigation Trust.*"

Applicant explained they were providing two back-to-back parking spaces on their site and under current zoning a total of 8 parking spaces would be required to satisfy the zoning requirements. After counting the two provided spaces, they offered to make annual payments to the Oak Bluffs Parking Mitigation Fund for the other required 6 spaces.

The Planning Board asked for comments from those present and Lynn Vera asked where the owners of [abutting] property 33 Ocean Park parked now and Dave Keefe said they have a spot on the Circle. The garage is currently interior space and is being used to store a friend's artwork and for a contractor's staging materials.

Planning Board members debated whether the Town was losing three spaces with this project and therefore the number of spaces mitigated should increase. Ultimately, the Board decided they were not losing spaces as it was used as interior space.

Discussion followed about "piggyback" spaces not being effective (one car parked in front of another car) and that the spaces the Applicant alleged as two was really just one space. There was board consensus that the **two piggyback spaces on the side are to be considered just one spot** and that this decision should inform future decisions in that regard.

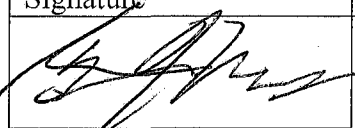
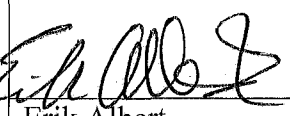

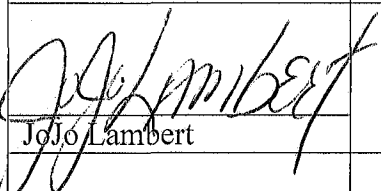
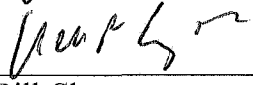
### DECISION OF THE BOARD, CONDITIONS:

The Planning Board determined that the Applicant's project, as proposed and as conditioned herein, in addition to Site Plan Review approval (see separate decision), satisfies the requirements of the By-law.

Member Mark Crossland made a motion to grant the SPECIAL PERMIT under **Section 5.1.5** with the condition that the property owner make yearly payments (\$600) to the Town of Oak Bluffs in lieu of providing seven (7) parking spaces as provided by the Oak Bluffs B-1 District Parking Mitigation Fund. Member Erik Albert seconded. Motion passed 5-0.

**D. Record of Board Vote.**

The members of the Planning Board voted as follows to grant a Special Permit subject to the above-stated terms and conditions:

Signature	In Favor	Against	Abstain	Recuse
 Ewell Hopkins	X			
 Erik Albert	X			
 Mark Crossland	X			
 JoJo Lambert	X			
 Bill Cleary	X			

Filed with the Town Clerk on: \_\_\_\_\_ 2019

\_\_\_\_\_  
 Laura B. Johnston, Town Clerk

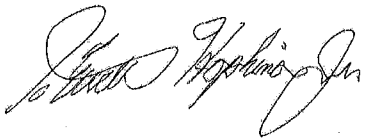
\_\_\_\_\_  
 Colleen Morris, Assistant Town Clerk

Copy of Special Permit Mailed to:

Dave Keefe  
 P.O. Box 3509  
 Oak Bluffs, MA 02557  
 All Noticed Parties (see abutter list)

The Planning Board of the Town of Oak Bluffs hereby certifies that a Special Permit has been granted to the Dave and Julia Keefe, Oak Bluffs, MA 02557, affecting the rights of the owner with respect to land or buildings at 28 Kennebec Avenue, Map 9, Parcel 14. Said Planning Board further certifies that the decision attached hereto is a true and correct copy of its decision granting said special permit, and that copies of said decision, and of all plans referred to in its decision, have been filed with the town clerk.

The Planning Board also calls to the attention of the Owner or Application that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the Owner or Applicant.



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Ewell Hopkins, Chair

Dated: \_\_\_\_\_, 2019

**This decision was filed in the office of the Town Clerk, on July 8, 2019. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.**

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Date Appeal Period Expired

I hereby certify that no appeal has been filed within the twenty day period following the date of the filing of this decision.

Attest: \_\_\_\_\_  
Laura Johnston, Town Clerk